IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 4TH DECEMBER 2006 / 13TH AGRAHAYANA 1928

Bail Appl..No. 7133 of 2006()

CRIME NO.667/06 OF KALAMASSERY POLICE STATION

PETITIONER/ACCUSED NO.4

VIVEK AGED 20, S/O.SREEKANDAN NAIR,
VAZHAKKAPALLIL HOUSE, EDAPPALLY, KOCHI-24.

BY ADV. SRI.V.P.REGHURAJ

RESPONDENTS:

STATE OF KERALA (REP BY S.I.OF POLICE,
KALAMASSERY POLICE STATION- CRIME NO.727 OF 2006)
REP BY THE STATE PUBLIC PROSECUTOR, HIGH COURT
OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

B.A.No. 7133 OF 2006

DATED THIS THE 4TH DAY OF DECEMBER, 2006

O R D E R

Petitioner who is the 4th accused in Crime No.667/06 of Kalamassery Police Station for an offence punishable under section 397 read with section 34 IPC, seeks anticipatory bail.

2. Learned Public Prosecutor opposed the application.

3. The prosecution case is that on 18.11.2006 at about 7 PM four assailants, three of them including the petitioner armed with pistols, trespassed into the Muthoot Bank (Pvt.)Limited, Kalamassery and attempted to commit robbery, during the course of which they had attacked a peon by name Paulson and when he made hue and cry, the local people restrained accused 1 to 3, but the 4th accused, viz, the petitioner herein successfully made good his escape.

3. Anticipatory bail cannot be granted in a case of this nature. There is no reason why the petitioner should not seek regular bail after surrendering before the Magistrate concerned. Accordingly, if the petitioner surrenders before the Magistrate

concerned and files an application for regular bail, the same shall be considered and disposed of, preferably on the same date on which it is filed.

V.RAMKUMAR, JUDGE

dsn